



81 MAIN STREET WHITE PLAINS, NY 10601-1711
 TEL: 914-559-3100 FAX: 914-949-1160
WWW.HPMB.COM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____ 11/04/2020

Austa S. Devlin
 Partner
audevlin@hpmb.com

October 30, 2020

VIA ECF

Honorable Sarah Netburn
 United States Magistrate Judge
 Southern District of New York
 40 Foley Square
 New York, NY 10007

Re: Lucille Tirado, Admin. v. The City of New York, et al.
 Docket No.: 19 CV 10377
Our File No.: 611-3290

Dear Judge Netburn:

In compliance with the Court's Order on October 23, 2020, I write to advise that Notices of Appearance for Hernando Brown, s/h/a/ Correction Officer Brown, have been filed by my office today. Service of Process has been resolved by designation of my firm at 99 Park Avenue, New York, NY 10016 for service of process upon Hernando Brown, for this lawsuit only. Accordingly, the parties have agreed that defendant's Brown's last known address is no longer needed for service of process.

Our firm submitted a pre-answer motion to dismiss on behalf of The City pursuant to Rule 12(b)(6) of the Federal Rules and Civil Procedures on June 26, 2020. We recently appeared on behalf of Correction Officers Ward, Sistrunk, Nugent, Daniels, Azeez, Captains Batchelor, Prince and Ellis as well as PA Alexis Quentz, we requested that our pending motion to dismiss be extended to apply to these individual defendants as well as The City of New York, and that request was granted by the Court.

As we now represent defendant Hernando Brown, s/h/a/ Correction Officer Brown, we respectfully request that our pending motion to dismiss be extended to apply to defendant Hernando Brown, as well as The City of New York and the above-mentioned individual defendants. Plaintiff's attorney does not object to this application.

HEIDELL, PITTONI, MURPHY&BACH, LLP

NEW YORK | CONNECTICUT | WESTCHESTER | LONG ISLAND

Honorable Sarah Netburn
Re: Lucille Tirado, Admin. v. The City of New York, et al.
October 30, 2020
Page 2



Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink.

Austa S. Devlin

ASD/dh

cc: **VIA ECF**
THE LAW OFFICE OF
CHRISTOPHER H. FITZGERALD
Christopher H. Fitzgerald, Esq.
Attorney for Plaintiff
233 Broadway, Suite 2348
New York, New York 10279

Rob Rickner, Esq.
Rickner PLLC
Attorney for Plaintiff
233 Broadway Suite 2220
New York, New York 10279
Rob Rickner rob@ricknerpllc.com

Defendants' request to extend their Motion to Dismiss, ECF No. 50, to include Defendant CO Hernando Brown is GRANTED.
SO ORDERED.

A handwritten signature in black ink, appearing to read "SN" and "Netburn".

SARAH NETBURN
United States Magistrate Judge

Dated: November 4, 2020
New York, New York